IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3653 OF 2005.

Anil Kumar Wadhi, Proprietor
M/s.K.L.Wadhi & Co. : Petitioner.

versus

Union of India & ors. : Respondents.

Mr.K.H.Halai i/by M/s.Halai & Co. for the petitioner.

Mr.D.A.Dube h/f Mr.S.S.Sarkar for Respondent No.2.

Mr.C.R.Sonawane, AGP, for Respondent No.3.

CORAM : B.H.MARLAPALLE &
NARESH H. PATIL, JJ.

DATED : September 08, 2006.

P.C.

1. Heard the learned counsel for the petitioner. We have perused the affidavit filed by the Collector and District Magistrate, Thane and we are satisfied that there were compelling reasons for the Collector to issue the impugned notice. The only course available for the petitioner is to shift his godown at a distance

which will provide safety to the dam in case of explosion of chemicals in future. It has been pointed out in the affidavit-in-reply that the dam concerned supplies water to the Mumbai city and, the Government cannot take any chances on the safety of the said dam.

2. We, therefore, do not find any reason to entertain this petition and, leave the petitioner to the remedy of selecting an alternative site. Hence, the petition is rejected.

[NARESH H. PATIL, J] **[B.H.MARLAPALLE, J.]**